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**From:** Jamieson, Cheryl [Jamieson.Cheryl@epa.gov]  
**Sent:** 2/11/2019 2:08:42 PM  
**To:** Bunker, Kelly [Bunker.Kelly@epa.gov]  
**Subject:** Re: Updated Briefing Paper - Pennsylvania Beneficial Use Permit and Clean Fill Policy 2-4-2019.docx

Ok

Sent from my iPhone

On Feb 11, 2019, at 8:57 AM, Bunker, Kelly <[Bunker.Kelly@epa.gov](mailto:Bunker.Kelly@epa.gov)> wrote:

The highlighted section in Bethany's message is where we should focus our discussion today.

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**From:** Jamieson, Cheryl  
**Sent:** Wednesday, February 06, 2019 10:54 AM  
**To:** Pratt, Stacie <[Pratt.Stacie@epa.gov](mailto:Pratt.Stacie@epa.gov)>; Bunker, Kelly <[Bunker.Kelly@epa.gov](mailto:Bunker.Kelly@epa.gov)>; daw, harry <[daw.harry@epa.gov](mailto:daw.harry@epa.gov)>  
**Cc:** Armstead, John A. <[Armstead.John@epa.gov](mailto:Armstead.John@epa.gov)>  
**Subject:** FW: Updated Briefing Paper - Pennsylvania Beneficial Use Permit and Clean Fill Policy 2-4-2019.docx

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**From:** Fisher, Bethany  
**Sent:** Wednesday, February 06, 2019 9:10 AM  
**To:** Jamieson, Cheryl <[Jamieson.Cheryl@epa.gov](mailto:Jamieson.Cheryl@epa.gov)>  
**Subject:** RE: Updated Briefing Paper - Pennsylvania Beneficial Use Permit and Clean Fill Policy 2-4-2019.docx

## Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Those are the sorts of issues Peter will be trying to work out on the call. And yes, I'll be on the call; hopefully Kelly can join as well!

Bethany Fisher  
EPA Office of General Counsel  
Pesticides and Toxic Substances Law Office  
202-564-2672

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**From:** Jamieson, Cheryl  
**Sent:** Wednesday, February 06, 2019 9:04 AM  
**To:** Fisher, Bethany <[fisher.bethany@epa.gov](mailto:fisher.bethany@epa.gov)>  
**Subject:** RE: Updated Briefing Paper - Pennsylvania Beneficial Use Permit and Clean Fill Policy 2-4-2019.docx

I don't get how contaminated soil can be an excluded product. Construction materials, maybe. Will you be on this call?

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**From:** Fisher, Bethany  
**Sent:** Wednesday, February 06, 2019 8:57 AM  
**To:** Jamieson, Cheryl <[Jamieson.Cheryl@epa.gov](mailto:Jamieson.Cheryl@epa.gov)>  
**Subject:** FW: Updated Briefing Paper - Pennsylvania Beneficial Use Permit and Clean Fill Policy 2-4-2019.docx

FYI. Tanya mentioned a call this week, but I think she meant the PCB Coordinators call next Monday.

Bethany Fisher  
EPA Office of General Counsel  
Pesticides and Toxic Substances Law Office  
202-564-2672

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**From:** Mottley, Tanya  
**Sent:** Wednesday, February 06, 2019 8:53 AM  
**To:** Armstead, John A. <[Armstead.John@epa.gov](mailto:Armstead.John@epa.gov)>; Morris, Jeff <[Morris.Jeff@epa.gov](mailto:Morris.Jeff@epa.gov)>  
**Cc:** Fisher, Bethany <[fisher.bethany@epa.gov](mailto:fisher.bethany@epa.gov)>; Coe, Mary <[Coe.Mary@epa.gov](mailto:Coe.Mary@epa.gov)>; Rodrigues, Cecil <[rodrigues.cecil@epa.gov](mailto:rodrigues.cecil@epa.gov)>; Fields, Jenifer <[fields.jenifer@epa.gov](mailto:fields.jenifer@epa.gov)>  
**Subject:** RE: Updated Briefing Paper - Pennsylvania Beneficial Use Permit and Clean Fill Policy 2-4-2019.docx

Hi John, and thanks for sending this information. I appreciate the timeline of events leading up to where we are today. As I mentioned, Peter Gimlin of my staff will be talking with the regional PCB coordinators this week to make them aware of an upcoming meeting with my regional counterparts I'd like to have in late February/early March, to gain a better understanding of how regions may have historically treated issues of this nature in the past. In preparation for Peter's discussion, he shared with them papers my division developed to explain HQ's consideration of this PCB fill material as an Excluded PCB Product if less than 50 ppm. I just want you to be aware that we will be discussing the Excluded PCB Product provision as well with the regions. Appreciate you keeping us informed.

Tanya

Tanya Hodge Mottley, Director  
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**From:** Armstead, John A.  
**Sent:** Tuesday, February 05, 2019 2:21 PM  
**To:** Mottley, Tanya <[Mottley.Tanya@epa.gov](mailto:Mottley.Tanya@epa.gov)>; Morris, Jeff <[Morris.Jeff@epa.gov](mailto:Morris.Jeff@epa.gov)>  
**Cc:** Fisher, Bethany <[fisher.bethany@epa.gov](mailto:fisher.bethany@epa.gov)>; Coe, Mary <[Coe.Mary@epa.gov](mailto:Coe.Mary@epa.gov)>; Rodrigues, Cecil <[rodrigues.cecil@epa.gov](mailto:rodrigues.cecil@epa.gov)>; Fields, Jenifer <[fields.jenifer@epa.gov](mailto:fields.jenifer@epa.gov)>  
**Subject:** Updated Briefing Paper - Pennsylvania Beneficial Use Permit and Clean Fill Policy 2-4-2019.docx

Good Day Jeff and Tanya,

Please find attached an updated briefing paper describing the decision-making process underlying Region 3's issuance of the NON to Hazelton Creek. This was prepared upon request

to inform the conversation on the subject. I look forward to continuing the dialogue and if you folks need any additional information please do not hesitate at contacting me.

*John A. Armstead, Director  
Land & Chemicals Division (3LC00)  
EPA Mid-Atlantic Region 3  
215-814-3127 (o)  
Leadership – Commitment - Determination*